

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KALAMATA CAPITAL GROUP, LLC,

Plaintiff,

-against-

NEWCO CAPITAL GROUP, LLC D/B/A  
KALABAKA CAPITAL GROUP, and  
KALABAKA CAPITAL GROUP, LLC,

Defendants.

USDC SDNY  
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ELECTRONICALLY FILED  
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1:23-cv-442-MKV

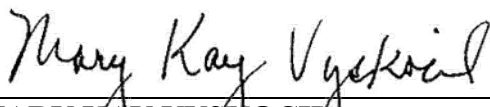
ORDER OF DISMISSAL

MARY KAY VYSKOCIL, United States District Judge:

The Court is in receipt of a joint letter filed by Plaintiff informing the Court that the parties have executed a settlement agreement [ECF No. 83]. The parties also noted that they filed a Stipulation of Dismissal dismissing all claims and counterclaims asserted in this matter, however, the Court notes that the Stipulation was filed deficiently. [See ECF No. 82]. Notwithstanding, the parties have reached a settlement agreement and, therefore, IT IS HEREBY ORDERED that the above-captioned action is discontinued without costs to any party and without prejudice to restoring the action to this Court's calendar if the parties are unable to memorialize their voluntary dismissal in writing and as long as the application to restore the action is made by March 20, 2024. If no such application is made by that date, today's dismissal of the action is with prejudice. *See Muze, Inc. v. Digital On Demand, Inc.*, 356 F.3d 492, 494 n.1 (2d Cir. 2004).

**SO ORDERED.**

**Date: February 20, 2024**  
**New York, NY**

  
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**MARY KAY VYSKOCIL**  
**United States District Judge**